

Entered - 03-02-01 - sb  
CL 01L0148 - GWENDOLYN BURNS

CLAIM OF: ROMAN E. MOSES  
4098 Tecumseh Trail  
Conley, Georgia 30288

01-R -0683

For vehicular damages alleged to have been sustained as a result of an automobile accident on October 18, 2000 at 2491 Jonesboro Road, SE.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION  
COMMITTEE:**

**BE IT RESOLVED** by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **ROMAN E. MOSES** the sum of **\$2,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of an automobile accident on October 18, 2000 at 2491 Jonesboro Road, SE as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

BY: Rosalind Rubens Newell by  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY *Robert, C. J. DCA*

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0148

Date: May 4, 2001

Claimant /Victim ROMAN E. MOSES  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 4098 Tecumseh Trail, Conley, Georgia 30288  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 4,411.85 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 2/21/01 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 10/18/00 Place: 2491 Jonesboro Road, SE  
Department POLICE Division \_\_\_\_\_  
Employee involved R. Mitchell Disciplinary Action: None Taken

NATURE OF CLAIM: During a narcotics sting operation, the claimant's vehicle sustained damage while in police custody. An investigation determined that the claimant was arrested and the above referenced officer was in the process of parking claimant's vehicle when he struck a parked vehicle. The officer stated that he attempted to stop the vehicle, however, the breaks failed. The Police Department's Office of Professional Standard investigated the matter but was unable to obtain sufficient information to prove or disprove the officer's allegation.

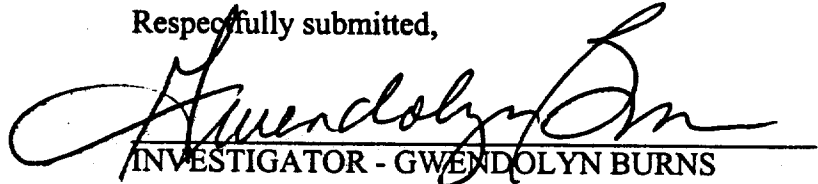
INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police X Dept Report \_\_\_\_\_ Other \_\_\_\_\_  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement X  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 2,000.00 Adverse \_\_\_\_\_ Account charged: 1A01 X 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager: \_\_\_\_\_ Concur/date \_\_\_\_\_  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

BURNS  
03/01/01  
RE: CLAIM FOR DAMAGES

Today's Date: 2/16/2001

02-11-01 A10:15 PM  
ENTERED - 3-2-01 - SB  
01L0148 - GWEN BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 4,411.45 + 120.00 property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: 10/18/2000 (month/day/year) 2. Time of Incident: Between 4:30pm to 5:30pm Police called: Police was at location Yes No

4. Location of incident (including street address): 2491 Jonesboro Rd ATL GA

5. Name of your insurance company: SIUPREM, Inc. Policy No. 163881

6. State what and how incident occurred: On October 18 2000, at approximately between 4:30pm & 6:30pm, I was arrested from Jonesboro Rd and detained. During that time Atlanta Police Department moved my vehicle and they wrecked it some kind of way.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: MazdaRX-7 1983 401 RKZ Roman E Moses  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: Reporting Officer C.T. Peek and Sgt J. Culver  
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Roman E Moses  
Signature of Claimant

Roman E Moses  
(Print Claimant's Name)  
4098 Tecumseh Tr  
(Address)  
Conley GA 30288  
(City, State and Zip Code)  
(4) 363-8137  
(Work Number) (Home Number)

**GENERAL RELEASE AND INDEMNIFICATION**

CLAIM NUMBER 01L0148

\$ 2,000.00

IN CONSIDERATION of the sum of TWO THOUSAND DOLLARS AND NO/100 DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City, its officers and employees, including but not limited to Rudolph Mitchell from any and all claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly for or on account of a vehicular accident which occurred on or about the 18th day of October, 2000, at or near 2491 Jonesboro Road, SE.

It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

WITNESS my hand and seal this May 4 day of 2000.

Roman E. Moses (LS)  
**ROMAN E. MOSES**  
\_\_\_\_\_  
(LS)

The above release was read and explained to, and signed by the said Roman E. Moses in our presence on the date above written.

Dawn Rousey  
(Roman E. Moses)

\_\_\_\_\_  
WITNESSES

01- -0683